TABLE OF CONTENTS



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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November 22, 2002

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 02-0002
L.A.S.D. File # 002-00046-2115-055

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 1, 2002 fatal shooting of Leonard Garcia by Los Angeles County Sheriff's Deputies James North, Kevin Hilgendorf and Michael Welch. We have concluded that Deputies North, Welch and Hilgendorf acted lawfully in self-defense and in the defense of others.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, totaling 135 pages, an examination of shooting scene and autopsy photographs relating to the shooting, the statements of witnesses at the scene, and our own Bureau of Investigation reports.

The District Attorney's Command Post was notified of this incident on January 1, 2002 at 10:00 p.m. Deputy District Attorney Karen Parsons and Senior District Attorney Investigator [redacted] responded immediately to the scene at [redacted] Pope Avenue in the City of Lynwood. Upon arriving, they were briefed and given a "walk-through" of the scene.

FACTUAL ANALYSIS

On January 1, 2002, at approximately 8:30 p.m., Los Angeles County Sheriff's Deputy Armando Aravola was in uniform, on duty in a marked black and white patrol vehicle at the intersection of Duncan Avenue and Sanborn Avenue in the City of Lynwood. He observed Leonard Garcia and [redacted] walking together at that location. Garcia had an object in his hand. Deputy Aravola made contact with the two and observed the

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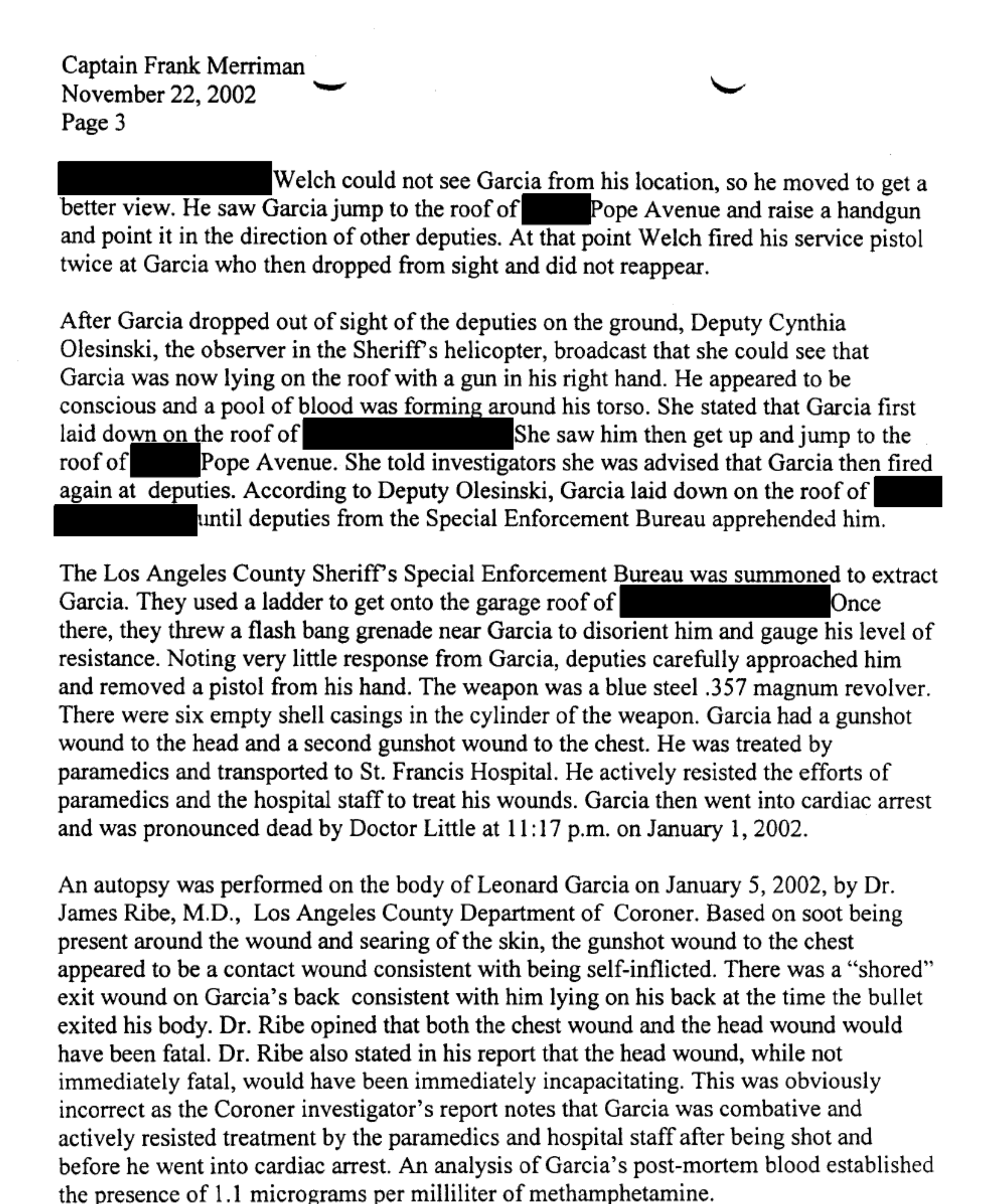
item being carried by Garcia to be a flashlight. Deputy Aravola asked Garcia if he was on probation or parole. Garcia responded that he was on probation for strong-arm robbery. The deputy then asked Garcia if he could perform a pat down search of his person. Garcia did not respond and instead grabbed his companion, [redacted] and held her between himself and Deputy Aravola.

Garcia then began to back away from the deputy toward Sanborn Avenue while telling [redacted] to remain in front of him. [redacted] was yelling at Deputy Aravola to "Leave us alone!". When the two were in front of [redacted] Garcia looked west on Sanborn Avenue, kissed [redacted] on the head and stated, " I'll miss you." He then ran westbound on Sanborn Avenue. As Garcia ran, Deputy Aravola saw that Garcia was holding an object at his waistband with his left hand that appeared to be the grip of a pistol.

Garcia continued to run with Deputy Aravola in foot pursuit. Eventually Garcia climbed onto the roof of a residence at [redacted] Pope Avenue. While chasing Garcia, Deputy Aravola broadcast a request for assistance. Los Angeles County Sheriff's Deputies Kevin Hilgendorf and his partner Deputy Amber Montenegro, heard the broadcast calling for assistance and responded quickly to the area. Deputy Hilgendorf stated that when he arrived he observed Garcia on the roof of [redacted] Garcia shouted at them, "Fuck you! Bring it on mother fuckers!" Garcia then fired his handgun twice at Deputy Hilgendorf who observed the muzzle flashes. Hilgendorf returned fire with his service pistol while observing Garcia jump to the roof of [redacted] Pope Avenue. Hilgendorf observed Garcia point his weapon at other deputies and fire. He heard responding gunshots. Hilgendorf fired again at Garcia to prevent him from firing at other deputies. He said that Garcia then dropped from his sight and did not stand up again. Hilgendorf fired a total of nine rounds at Garcia.

Deputy James North told investigators that he was a few blocks north of Deputy Aravalo when he heard the request for assistance. When he arrived on scene he observed Garcia on the roof at [redacted] Deputy North observed Garcia point and fire a handgun in the direction of Deputies Welch and Hilgendorf. Deputy North then fired his service pistol twice at Garcia who then turned and fired twice in his direction. Deputy North said he heard the impact of the rounds as they struck objects near him. Deputy North took cover and observed Garcia jump to the roof of [redacted] Pope Avenue. Garcia again pointed his weapon at Deputy North. Deputy North stated that he responded by firing three more rounds at Garcia. Deputy North stated that Garcia then disappeared from his sight and did not reappear. Deputy North fired a total of five rounds during the incident.

Deputy Michael Welch told investigators that he also responded to the request for help by Deputy Aravola. When he arrived, a sheriff's helicopter was illuminating the area. He heard Deputy Hilgendorf state, "He's on the roof, he's moving!". Hilgendorf pointed to the roof at [redacted] Welch then heard shots coming from the direction of



[redacted] Welch could not see Garcia from his location, so he moved to get a better view. He saw Garcia jump to the roof of [redacted] Pope Avenue and raise a handgun and point it in the direction of other deputies. At that point Welch fired his service pistol twice at Garcia who then dropped from sight and did not reappear.

After Garcia dropped out of sight of the deputies on the ground, Deputy Cynthia Olesinski, the observer in the Sheriff's helicopter, broadcast that she could see that Garcia was now lying on the roof with a gun in his right hand. He appeared to be conscious and a pool of blood was forming around his torso. She stated that Garcia first laid down on the roof of [redacted] She saw him then get up and jump to the roof of [redacted] Pope Avenue. She told investigators she was advised that Garcia then fired again at deputies. According to Deputy Olesinski, Garcia laid down on the roof of [redacted] until deputies from the Special Enforcement Bureau apprehended him.

The Los Angeles County Sheriff's Special Enforcement Bureau was summoned to extract Garcia. They used a ladder to get onto the garage roof of [redacted] Once there, they threw a flash bang grenade near Garcia to disorient him and gauge his level of resistance. Noting very little response from Garcia, deputies carefully approached him and removed a pistol from his hand. The weapon was a blue steel .357 magnum revolver. There were six empty shell casings in the cylinder of the weapon. Garcia had a gunshot wound to the head and a second gunshot wound to the chest. He was treated by paramedics and transported to St. Francis Hospital. He actively resisted the efforts of paramedics and the hospital staff to treat his wounds. Garcia then went into cardiac arrest and was pronounced dead by Doctor Little at 11:17 p.m. on January 1, 2002.

An autopsy was performed on the body of Leonard Garcia on January 5, 2002, by Dr. James Ribe, M.D., Los Angeles County Department of Coroner. Based on soot being present around the wound and searing of the skin, the gunshot wound to the chest appeared to be a contact wound consistent with being self-inflicted. There was a "shored" exit wound on Garcia's back consistent with him lying on his back at the time the bullet exited his body. Dr. Ribe opined that both the chest wound and the head wound would have been fatal. Dr. Ribe also stated in his report that the head wound, while not immediately fatal, would have been immediately incapacitating. This was obviously incorrect as the Coroner investigator's report notes that Garcia was combative and actively resisted treatment by the paramedics and hospital staff after being shot and before he went into cardiac arrest. An analysis of Garcia's post-mortem blood established the presence of 1.1 micrograms per milliliter of methamphetamine.

A bullet was recovered from the roof of [redacted] It was embedded in the roof at the location where Garcia laid down the first time. The bullet was determined to have been fired from Garcia' revolver. No bullets or fragments from Garcia's gun were recovered from the roof at [redacted] It appears that Garcia laid down and shot himself in the chest on the first roof, and when he did not immediately expire, jumped to the second roof where he again fired at the deputies and was then shot by Deputy North. The bullet causing Garcia's head wound was matched to Deputy North's service weapon.

Garcia was a "Young Crowd" gang member who had a [redacted]

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People vs. Williams (1977) 75 Cal. App. 3d 731

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALJIC 5.30 5.32

The danger faced by deputies North, Hilgendorf and Welch (as well as the other deputies at the scene) was immediate and life threatening. Garcia was a convicted felon, still on probation, and in possession of a loaded handgun. When Deputy Aravola stated that he wished to search him, Garcia could have peacefully submitted to the search. He would have been arrested and prosecuted for being a convicted felon possessing a gun and for violating the terms of his probation. Instead, Garcia chose to engage in a running gun battle, endangering the lives of deputies and residents of the area. Garcia repeatedly fired a .357magnum revolver at the deputies who were attempting to apprehend him. Their response was unavoidable. Based on our conclusion that the deputies acted lawfully in self-defense and in defense of others, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JOHN FRANCIS GILLIGAN
Assistant Head Deputy
(213) 974-7435

c: Deputy James North, Serial #[redacted]
Deputy Kevin Hilgendorf, Serial #[redacted]
Deputy Michael Welch, Serial #[redacted]